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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ARUN GAGHAVENDRA DESAI

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Appeal 2009-005558  
Application 09/986,967  
Technology Center 2400

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Decided: January 29, 2010

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Before MAHSHID D. SAADAT, CARLA M. KRIVAK, and KARL D.  
EASTHOM, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals<sup>1</sup> under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-4, 6, 8, 9, 11, 13-16, 18, 20-23, 25, 27, 28, 30, 32-35, and 37. The Examiner objected to claims 5, 7, 10, 12, 17, 19, 24, 26, 29, 31,

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<sup>1</sup> Reference is to Appellant's Brief (filed Sept. 10, 2007) [hereinafter "App. Br.,"] and Reply Brief (filed Feb. 13, 2008) [hereinafter "Reply Br.,"], and the Examiner's Answer (mailed Dec. 13, 2007) [hereinafter "Ans.,"] and Advisory Action (mailed April 3, 2007) [hereinafter "Ad. Act.,"].

36, and 38 as depending from rejected claims but reciting allowable subject matter. (*See* App. Br. 1-2.) No other claims are pending. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

Appellant's invention provides an HTTP response including a first object content and second object content identifier to a device, such as a proxy agent 22 in device 16a, thereby enabling the device to prefetch the second content object from a remote web server 12b.<sup>2</sup> Prior to sending the HTTP response to the device, a predictive caching operation in a remote server identifies the second content object as relevant to the first content object. The invention allows the device to prefetch and cache the second content object prior to its having been previously downloaded to the device. Prior art schemes typically cached only objects previously requested and downloaded. (Abstract: Spec. 1:10 to 2:3, 10:5-28; Fig. 1.)

Exemplary claim 1 follows:

1. A method of providing content to a device according to Hypertext Transport Protocol (HTTP), the method comprising:  
receiving an HTTP request for a first content object;  
identifying a content operation identifier that identifies a corresponding second content object determined as relevant to the first content object by a predictive caching operation, the content operation identifier including a directive for prefetching the second content object as a content operation distinct from presentation of the first content object by the device; and  
sending to the device an HTTP response to the HTTP request, the HTTP response including the first content object and the content operation

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<sup>2</sup> Beyda employs the hyphenated version (i.e., "pre-fetch") while Appellants do not, and the Examiner employs both versions. The non-hyphenated version (i.e., "prefetch") is employed throughout this opinion unless the other version is being quoted.

identifier, enabling the device to perform the prefetching of the second content object based on receipt of the content operation identifier and distinct from the presentation of the first content object.

The Examiner relies on the following prior art references:

Schloss	US 6, 249,844 B1	June 19, 2001
Beyda	US 2003/0061451	Mar. 27, 2003

The Examiner rejected:

Claims 1, 2, 13, 14, 20, 21, 32, and 33 under 35 U.S.C. § 102(e) based on Beyda; and

Claims 3, 4, 6, 8, 9, 11, 15, 16, 18, 22, 23, 25, 27, 28, 30, 34, 35, and 37 under 35 U.S.C. 103(a) based on Beyda and Schloss.

## ISSUES

Appellant contests (App. Br. 10-16) the Examiner's finding that Beyda satisfies independent claim 1 and similar limitations in independent claims 13, 20, and 32. Appellant's contention raises the following issue: Did Appellant demonstrate that the Examiner erred in finding that Beyda discloses "sending to the device an HTTP response to the HTTP request, the HTTP response including the first content object and the content operation identifier, enabling the device to perform the prefetching of the second content object based on receipt of the content operation identifier and distinct from the presentation of the first content object," as set forth in claim 1?

1) Appellant also contests (App. Br. 16-19) the Examiner's finding that Beyda and Schloss teach the limitations of the dependent claims, raising the following issues: Did Appellant demonstrate that the Examiner erred in

finding that Beyda and Schloss collectively teach an HTTP response which includes a content operation tag that includes a content operation identifier including a directive tag specifying the corresponding content operation to be performed by the device and an object identifier that specifies a location of the second content object, as required by dependent claims 3, 4, 8, 9, 15, 16, 22, 23, 27, 28, 34, and 35;

2) inserting into the HTTP response at least one extensible HTTP header that specifies the content operation identifier including a directive tag specifying the content operation and the object identifier, as set forth in claims 6, 11, 25, and 30; and

3) a header as recited in claims 18 and 37?

#### FINDINGS OF FACT (FF)

##### *Beyda*

1. Beyda discloses a “method for [a] predictive caching operation [which] determines a time-based pattern of a high-access period for a web page, and pre-fetches the web page into a cache before the high access period begins. A table is generated where the table comprises a URL [(Universal Resource Locator)], a time of last access and a time stamp of the pre-fetched web page.” (§ 0012.) Beyda’s cache system encompasses HTML pages, images and files, and HTTP protocols. (§§ 0002, 0005, 0009.)

2. Beyda’s system pre-fetches or fetches web pages and fills a local cache based on prior and current client requests for the web page. Each web page has a unique URL, and also different types of files, such as graphic, audio, video, and text files, referred to as objects, or elements, with each having a unique URL. For example, the web page [www.cnn.com](http://www.cnn.com) has three graphic files and an audio file with the following unique URLs:

www.cnn.com/graphic.jpg1, www.cnn.com/graphic.jpg2;  
www.cnn.com/graphic.jpg1[sic 3], and www.cnn.com/audio. (¶¶ 0010,  
0017.)

3. When a client sends a new request to a local server 14 (which includes a proxy server 16 and cache) for a particular web page, if the requested URL is not found in the local server cache (previously stored there via a previous client request from that client or another client), the local server directs the new request to the remote server 18. The remote server then sends a response back to the client 10 via the local server, while the local server updates its cache with the response.

The response includes the requested web page (including all its associated elements and URLs), the time of last update for the page, and the time stamp corresponding to the client's request. The local server/cache stores the URLs and both time data types in a table as depicted in Figure 2. (The remote server 18 updates the web page URL time stamp if any part of the page, including any of its graphic or audio files objects, change.)

On the other hand, if the requested web page URL is found in the local server, the local server begins downloading the shell of the requested web page (listing the various elements/objects with different URLs and timestamps of creation) from the remote server 18. The shell of the page may have a new URL (e.g., for a new audio file) not listed in the local cache. If so, the local server assumes the web page has changed and downloads the new URL (and its element) from the remote server. Similarly, if the time stamps of the different URLs associated with a web page do not match the local cache time stamps, the local sever downloads the more recent URL and its element from the remote server and sends that version to the client. On

the other hand, if the time stamps of the shell match the time in the local cache, the local server sends the cached copies of the URL elements to the client. Beyda refers to this downloading process as “element-by-element downloading” (¶¶ 0028). (¶¶ 0010, 0016-0020; Fig. 1.)

4. Beyda’s local server 14 also prefetches the web pages described above from a remote server 18 that are predicted to be in high demand during a certain time of the week. The local server 14 predicts this demand by recording the hit rate of every web page previously requested by clients. Prefetching may occur, for example, the hour before the expected high demand, to ensure the most recent web pages, with their associated URLs and objects, are locally cached. The prefetched pages, including all web content and associated URLs, are then accessed in the same fashion as described above (FF 3) by requesting clients. In other words, URLs, the web shell, and time stamps are sent from the remote server and compared at the local server on an element-by-element basis. (¶¶ 0021-28; *see also* FF 1.)

5. In addition to this element-by-element predictive prefetching, Beyda also discloses that the predictive prefetching operation can be performed as occurred in the prior art, by downloading the entire web page and its contents (i.e., downloading all the text, audio, video, and graphic files associated with the page at the same time). (¶¶ 0010, 0028.)

#### *Appellant’s Specification*

6. Appellant describes “HTML directive tags 40 as specified content operations” which include “HTML tag information 42 and 44.” (Spec. 10:20-23.) Tag 42a includes a command to prefetch, while tag information 44 includes uniform resource indicators (URIs). (Spec. 7:16-20; Fig. 2A.)

7. Appellants describe a proxy agent 22 as “check[ing] for the existence of the content object in its cache 24 to determine if the content object has already been fetched or prefetched.” (Spec. 10:13-15.)

#### PRINCIPLES OF LAW

“[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). Appellant carries the burden on appeal to show reversible error by the Examiner in maintaining the rejection. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) (“On appeal to the Board, an applicant can overcome a rejection by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.” (Citation omitted).)

Under § 102, anticipation is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994) (citation omitted).

Under § 103, “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Kahn*, 441 F.3d at 988. “On appeal to the Board, an applicant can overcome a rejection by showing insufficient evidence of *prima facie* obviousness . . . .” *Id.* at 985-986 (*quoting In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998).)



## ANALYSIS

### Anticipation Rejection Based On Beyda

*Claims 1, 2, 13, 14, 20, 21, 32, and 33*

The sending clause of claim 1 requires “sending to *the device* an HTTP response to the HTTP request, the HTTP response including the first content object and the content operation identifier, enabling *the device* to perform the prefetching of the second content object based on receipt of the content operation identifier and distinct from the presentation of the first content object” (emphasis added).

With respect to this sending clause, Appellant appears to direct attention to Beyda’s alleged lack of a teaching of a specific device which receives the HTTP response, summarizing as follows:

Hence, although Beyda discloses a local server 14 that performs its own predictive prefetching based on reviewing its cache (illustrated in Figure 2), Beyda provides no disclosure or suggestion that the predictive prefetching is added within *an HTTP* response, enabling another device receiving the HTTP response to perform the prefetching of the second content object in response to receipt of the content operation identifier specifying the directive for prefetching.

(App. Br. 15.)

The Examiner responded as follows:

Beyda discloses *sending to the device an HTTP response . . .* from remote server 18. . . including both the first content object [= sub-entry URLs such as either object 36, 38, 40, or 42] and the content operation identifier [= URL, paragraph 0017] that includes a directive for prefetching the second content object [= predictively pre-fetch web pages and their corresponding elements, e.g. URL . . .] as a content operation distinct from

presentation of the first content object by the device [= predictive caching operation can operate independently . . .].

(Ans. 9 (emphasis added).)

Therefore, as the Examiner found that Beyda's remote server 18 sends the HTTP response to the device (FF 1-3), it follows that the local server 14 constitutes the device of the claim. Beyda's local server performs prefetching, as Appellant's above-quoted argument notes. (*Accord* FF 4-5.)

In other words, one of the URLs (of several in a web page) sent by Beyda's remote server 18 in response to a prior request for a web page from the client 10 and local server 14 (FF 2, 3) constitutes a content operation identifier in the sending clause of claim 1. One of these URLs also satisfies the same identifier recited in the identifying clause of claim 1: i.e., "identifying a content operation identifier that identifies a second content object determined as relevant to the first object by a predictive caching operation, the content operation identifier including a directive for prefetching the second content object as a content object distinct from presentation of the first content object by the device," as the Examiner found. (Ans. 8-10.)

That is, the Examiner found that one of the secondary URLs (from the remote server 18) constitutes "a content operation identifier . . . [which] includes a directive for prefetching." (Ans. 8, 10; Ad. Act.)<sup>3</sup> The record

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<sup>3</sup> The Examiner stated: "In page 7, line 19, of the specification, the applicant discloses a directive tag 42a specifying a prefetch operation. However, the claims specify that *a directive for prefetching which is nothing more than pre-ftetching [sic] portion of a single cache e.g. its URL . . .*." Footnote continued on the next page.

supports this finding. Beyda's local server 14 employs all the URLs (in the web page of the HTTP response sent from the remote server) to determine which URLs and their objects to prefetch.

While Beyda's local server uses additional information to determine which URLs to prefetch, claim 1 does not preclude this, contrary to implied arguments otherwise made by Appellant. (Reply Br. 10 (referring to internal operations of the local server 14).) These URLs, sent in the HTTP response from the remote server, are necessary pre-requisites that "direct" the local server as to which URLs and objects to later prefetch (based on the additional requirement of an anticipated high demand according to a pattern of high demand previous HTTP requests). Also, a particular web page URL, or an element URL (for a file in that web page), having been previously requested more than a certain threshold number of times as compared to other requested URLs, triggers that particular URL as a directive to prefetch, according to Beyda's prefetching scheme. (FF 4-5.) As such, each URL, or only one URL, of a respective web page, reasonably constitutes a directive according to claim 1.<sup>4</sup>

While Appellant repeats the Examiner's finding quoted *supra* in note 3, Appellant's response fails to squarely address whether or not a URL constitutes a directive. For example, Appellant responds as follows: "the rejection fails to present any interpretation . . . of the claimed 'directive for prefetching': the broadest reasonable interpretation must be (1) consistent

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(Ad. Act. 2 (emphasis added).) The Examiner twice repeated this finding. (Ans. 8, 10.)

<sup>4</sup> Beyda's local server 14 can prefetch either the whole page and all its elements or each element, element-by-element. (FF 5.)

with the specification, and (2) consistent with the interpretation that those skilled in the art would reach.” (App. Br. 15-16.) This response does not explain why a URL, which the Examiner thrice relied upon (*supra* note 3) as part of Appellant’s disclosed directive, fails to suffice as the claimed directive for prefetching. The response does not explain how the finding is either inconsistent with the Specification or known interpretations.

Appellant’s Specification supports the Examiner’s interpretation under which a “directive” (40) merely includes the URL information (44). (FF 6.)

Appellant also responds to the URL directive issue by stating that “[t]he specification explicitly describes prefetching as fetching new content without relying on a client request to provide content acceleration.” (App. Br. 16.) Again, this response does not address whether Beyda’s URL constitutes the directive recited in claim 1. While it does address prefetching, Appellant provides no explicit definition (or description) which would replace the ordinary meaning of that term as evidenced by Appellant’s (FF 7) and Beyda’s (FF 2-4) use of it. That is, Beyda (FF 2-4) and Appellants’ Specification (FF 7) clearly demonstrate that prefetching does not preclude a prior request. Rather, prefetching merely involves caching (i.e., saving) prior requests in anticipation of further requests. (FF 2, 4, 7.) As such, Appellant’s related remark (Reply. Br. 6) that Beyda performs a “*post fetch*” is also unavailing.

Therefore, in response to an HTTP request from a client 10 or the local server 14, Beyda’s remote server 18 sends a web page, and thereby identifies a corresponding second content object including a directive for prefetching (e.g., identifies the object audio file, and its URL directive for prefetching - [www.cnn.com/audio](http://www.cnn.com/audio)), which is determined to be relevant to the

first content object (e.g., either the web page associated with the URL www.cnn.com, or another graphic file in the web page). (FF 2-3.)

Therefore, Beyda satisfies the receiving and identifying steps of claim 1.

After the above two steps, Beyda's remote server 18 sends, to the local server 14, an HTTP response including the first content object and the content operation identifier, which enables the local server device "to perform the prefetching of the second content object based on receipt of the content operation identifier and distinct from the presentation of the first content object," thereby also satisfying the "sending" step of claim 1. (FF 2-5.)

Appellant also argues Examiner error with respect to "the claimed feature of a single HTTP response including both the first content object (for presentation of the first content object) and the directive for prefetching the second content object distinct from the presentation of the first content object." (App. Br. 16.) Notwithstanding these various underlined portions, this argument and related arguments in the Appeal Brief and Reply Brief (*see e.g.*, Reply Br. 10) do not explain in a clear fashion why Beyda does not disclose any of the elements mentioned.

Moreover, and by way of example, Appellant's Brief does not specify any clear support for the "distinct from presentation" and "distinct from the presentation" elements, which appear respectively in the identifying and sending steps of claim 1, as indicated *supra*. (*See* App. Br. 3: 1-2 (no Spec. cite); 3:26-27 (citing Spec. 8:7-9).)<sup>5</sup> On the other hand, Appellant refers to

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<sup>5</sup> The cited passage at page 8 of the Specification refers to preferably "provid[ing] the content operation identifier distinct from the content itself by inserting the content operation identifiers into the HTTP header." (Spec. Footnote continued on the next page.)

“the device” in claim 1 as supported by “16a or 16b of Fig. 1,” which correspond to proxy agents, as opposed to client devices. (App. Br. 3:3.) In other words, Appellant’s proxy agents do not “present” content according to any meaningful distinction over the presentation (i.e., transmission and processing) of data by Beyda’s local proxy server 14/16. Absent a clear argument buttressed by support for the elusive meaning behind the clause, the record provides no basis for a finding of Examiner error.<sup>6</sup>

Thus, for example, Beyda satisfies the identifying step recitation of “a directive content operation distinct from presentation of the first content object by the device,” because the URL directive (e.g., [www.cnn.com/audio](http://www.cnn.com/audio)) is distinct from the *presentation* of the first content object (the web page for [www.cnn.com](http://www.cnn.com)). That is, Beyda’s local server device “presents” (i.e., transmits) the first content object (and the URL directive for the second content object) to the client computer, but employs the URL content operation directive in a distinct operation, i.e., to facilitate prefetching. Under an alternative interpretation, the whole web page need not constitute the first content object of the claim; rather, another graphic file (e.g., pertaining to [www.cnn.com/graphic.jpg1](http://www.cnn.com/graphic.jpg1)) satisfies that limitation.

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8:7-9.) The passage does not refer specifically or clearly to the presentation of data content, such as for example on a computer screen, but rather, appears to relate to the location of commands in a data stream – implying that distinct presentation embraces different data locations in a data stream.

<sup>6</sup> Appellant, for example, also argues, that because Beyda’s local server 14 stores elements in a cache, “the element-by-element [sic] is not a ‘presentation’ of the first content object, as claimed.” (Reply Br. 6.) This argument not only does not explain what Appellant means by presentation, but the argument also appears directed to an alleged lack of presentation of first content operation, as opposed to directed to whether the presentation is distinct, as argued previously.

Continuing the interpretation, Beyda's local server presents the URL content operation directive (e.g., [www.cnn.com/audio](http://www.cnn.com/audio)) "distinct from the presentation" of the graphic file, because for example, both are located in different portions of the web page. Alternatively, one is an object, the other is a URL, so that any presentation thereof is "distinct." Also, one pertains to an audio file, another to graphics, or text, etc., thereby allowing for distinct presentations.

Beyda also satisfies the "distinct" element in the sending step recitation of "enabling the device to perform the prefetching of the second content object based on receipt of the content operation identifier and distinct from the presentation of the first content object" for similar reasons. For example, Beyda's device, the local server 14, prefetches the second content object, the file pertaining to [www.cnn.com/audio](http://www.cnn.com/audio), from the remote server, which is distinct from how Beyda's device presents (i.e., transmits) the web page (or another graphic file) to the client. Also, the graphic and audio files are located in different portions of the data stream (or web page), assuming for the sake of argument, that the clause requires both items to be presented in a distinct manner. Moreover, the clause "and distinct from presentation" does not necessarily require the local server to perform any presentation, but ambiguously leaves open the possibility that another device, such as the client computer, performs the presentation. Of course, under that circumstance, an audio file and graphics file are by nature presented differently.

Appellant's remaining arguments throughout both briefs have been carefully considered. The arguments appear similar to those addressed above, often with different portions underlined or otherwise emphasized, but

without clear explanation as to why Beyda does not meet the recited limitations of claim 1. “The problem in this case is that the appellants failed to make their intended meaning explicitly clear.” *In re Morris*, 127 F.3d 1048, 1056 (Fed. Cir. 1997). “It is the applicants’ burden to precisely define the invention, not the PTO’s.” *Id.* (citation omitted).

For the remaining independent claims, Appellant relies on the arguments presented for claim 1, and summarizes as follows: Beyda does not disclose “the HTTP response, that includes both the first content object and the directive for prefetching,” which “is sent to the device in claim 1, received from the destination server in claims 13 and 32, and output by the interface of the server of claim 20.” (App. Br. 16 (emphasis omitted).) For reasons similar to those involved above with respect to claim 1, Beyda’s remote server 18 constitutes the destination servers recited in claims 13 and 32, and includes the interface of the server recited in claim 20.

Appellant presents no separate patentability argument for claims 2, 14, 21, and 33, which respectively depend from claims 1, 13, 20, and 32. Based on the foregoing discussion, Appellant has not demonstrated Examiner error in the rejection based on Beyda of claims 1, 2, 13, 14, 20, 21, 32, and 33.

#### Obviousness Rejection Based On Beyda and Schloss

*Claims 3, 4, 8, 9, 15, 16, 22, 23, 27, 28, 34, and 35*

Appellant asserts that the Examiner erred in combining Schloss with Beyda to arrive at these claims, because Schloss refers to replacing an object with a tag. (App. Br. 16-19.) The Examiner apparently employed Schloss to include a teaching of adding a directive tag specifying the corresponding



operation to be performed and an object identifier. (The Examiner's rejection is interpreted as requiring Schloss, in part, because the URL in Beyda does not, by itself, *specify* the operation. (See Ans. 5).) The Examiner responded to Appellant's argument by stating that replacing includes adding. (Ans. 10-12.) In other words, the Examiner apparently reasons that the claims do not preclude subtracting the existing first object of Beyda and adding the tag elements of Schloss.

In reply to the Examiner's replacement rationale, Appellant states that the hypothetical combination simply would teach:

replacing uncacheable objects with identifiers. Consequently, the hypothetical combination would remove the first content object and replace the first content object with a persistent object fragment identifier. Hence, the hypothetical combination would provide an HTTP response that does not include the first content object, but instead includes the persistent object fragment identifier in place of the first content object.

(Reply Br. 12.)

As Appellant's argument indicates, these claims require both a directive specifying tag and the first object content in the HTTP response. Based on the arguments and evidence presented, Appellant's argument demonstrates that the hypothetical combination removes the first content object. Accordingly, Appellant's argument demonstrates error in the rejection of these claims.

*Claims 6, 11, 25, and 30*

Appellant's argument (App. Br. 18-19) with respect to claims "7 [sic: 6], 11, 25, and 30,"<sup>7</sup> asserts that "the rejection fails to provide any analysis

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<sup>7</sup> Claim 7 does not stand rejected and is not on appeal.

of any ‘apparent reason’” (*id.* at 18 (n. 5 citing *KSR*, cite omitted here)) as sufficient to arrive at the recited “inserting into the HTTP response at least one extensible HTTP header . . . .” Appellant is correct, the Examiner failed to separately address similar claims 6, 11, 25, and 30, or otherwise discuss the extensible header limitation recited therein in the Final Rejection or the Answer. “[T]here must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Kahn*, 441 F.3d at 988. “On appeal to the Board, an applicant can overcome a rejection by showing insufficient evidence of *prima facie* obviousness . . . .” *Id.* at 985-986 (*quoting Rouffet*, 149 F.3d at 1355). Accordingly, Appellant has shown error in the rejection of claims 6, 11, 25, and 30.

#### *Claims 18 and 37*

Appellant argues that the combination of Beyda and Schloss does not satisfy these claims. (App. Br. 17, 18.) These claims require a header which includes the content operation identifier specified therein. It appears, although it is not clear from the rejection, that the Examiner may have used Schloss to satisfy at least the header limitation.

Based on the foregoing discussion and Appellant’s arguments, Schloss’s teachings would result in replacing the first content object of Beyda, thereby resulting in “no disclosure or suggestion of the claimed features as a whole.” (App. Br. 17.) Therefore, the Examiner’s rejection does not include a sufficient factual foundation to support the rejection of claims 18 and 37.

#### CONCLUSION

Appellant did not demonstrate that the Examiner erred in finding that Beyda discloses “sending to the device an HTTP response to the HTTP

request, the HTTP response including the first content object and the content operation identifier, enabling the device to perform the prefetching of the second content object based on receipt of the content operation identifier and distinct from the presentation of the first content object,” as set forth in claim 1.

Appellant did demonstrate that the Examiner erred in finding that Beyda and Schloss collectively teach the limitations set forth in dependent claims 3, 4, 6, 8, 9, 11, 15, 16, 18, 22, 23, 25, 27, 28, 30, 34, 35, and 37.

#### DECISION

We affirm the Examiner’s decision rejecting claims 1, 2, 13, 14, 20, 21, 32, and 33.

We reverse the Examiner’s decision rejecting claims 3, 4, 6, 8, 9, 11, 15, 16, 18, 22, 23, 25, 27, 28, 30, 34, 35, and 37.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136. *See* 37 C.F.R. § 1.136(a)(1)(iv).

#### AFFIRMED-IN-PART

rvb

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